

DRAFT 3/02/2010

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 10-R-__**

A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,

**A RESOLUTION REGARDING PUBLIC RIGHT OF WAY DEDICATIONS ALONG
WELD COUNTY ROAD 13, ADJACENT TO DAcono INVESTMENT CO.
PROPERTY, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS
FAVORABLE TO ACCEPTANCE OF THE DEDICATIONS.**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, on March 9, 2010, reviewed the dedication deed of Michael Strear and Dacono Investment Co., LLLP, ("Grantors") 6825 E Tennessee Ave Ste 235, Denver, Co 80224, for the dedication for public rights of way of the following real property; to wit:

**TWO PARCELS OF LAND FOR WELD COUNTY ROAD 13 (WCR 13),
BEING LOCATED IN THE E1/2 OF SEC. 36, T2N, R68W OF THE SIXTH
PRINCIPAL MERIDIAN (6TH P.M.), TOWN OF FREDERICK, COUNTY
OF WELD, STATE OF COLORADO, as more particularly described in
Exhibit A; and**

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Findings of Fact.

- A. The Grantors' dedication and supporting documents are in substantial compliance with the *Frederick Land Use Code* for dedications of land for public rights of way.
- B. The dedications are compatible with adjacent land uses and conform to the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- C. The dedications will facilitate creation and development of the Grantors' proposed subdivision pursuant to the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- D. The dedications as proposed preserve the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.

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Section 2. Conclusions and Order Approving the Dedication of Public Rights of Way.

- A. The proposed dedications comply with the applicable sections of *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- B. The dedications are approved subject to the following conditions of approval:
- (1) A detailed Memorandum of Agreement for Public Improvements (MOAPI) shall be prepared and signed prior to recording any Final Plat subdividing the adjacent lands owned by Grantors.
 - (2) Any associated development of Grantors' real property adjacent to the dedicated real property shall provide for the installation of eight foot (8') wide sidewalks along the adjacent portions of WCR 13 or Colorado Blvd., or similar pedestrian-access improvement, in accordance with the Town's adopted *Design Standards and Construction Specifications* and as detailed in a subsequent MOAPI.
 - (3) Grantors did not provide independent legal verification of title to the subject property, and Town reserves the right to vacate its interest in the property and seek replacement land dedication from Grantors in the event Grantors' title is subsequently shown to be invalid at the time of the dedication.
- D. The proposed dedications of public right of way along WCR 13, subject to the above conditions, should be granted approval.

INTRODUCED, READ, PASSED, AND SIGNED THIS 9th DAY of MARCH, 2010.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette Fornof, Town Clerk

By _____
Eric Doering, Mayor

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned Grantor(s), for good and valuable consideration, receipt of which is hereby acknowledged, do(es) hereby sell, grant and convey unto the Town of Frederick, a Colorado municipal corporation, the following described parcel of land situate in the County of Weld, State of Colorado, to-wit:

SEE ATTACHED EXHIBITS "A" and "B"

with all its appurtenances and warrant(s) the title to the same, free and clear of all liens and encumbrances, subject to reservations, agreements and restrictions of record, and existing easements, if any.

The above described property is to be used for street and utility purposes, which purposes shall include, but not be limited to, streets, sidewalks, curbs, gutters, utility lines, structures, equipment, apparatus and poles.

Acceptance of this conveyance by the Town of Frederick, Colorado, shall not impose upon said Town any obligation for the opening, widening, installation, improvement or maintenance of the above described property for any purpose, which obligation shall arise, if at all, only by separate action of the Frederick Board of Trustees.

Signed this _____ day of _____, 2010.

Grantor: Dacono Investment Co., a limited Partnership

By _____
Michael Strear, Manager

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by _____.

My commission expires:

Witness My hand and official seal.

Notary Public

ACCEPTANCE

The Town of Frederick, A Colorado Municipal Corporation, whose legal address is 401 Locust St., Frederick, CO 80530, hereby accepts the above dedication of property as Public Rights-of-Way or a Public Highway.

Dated this _____ day of _____, 2010.

ATTEST:

TOWN OF FREDERICK,
A COLORADO MUNICIPAL CORPORATION

BY: _____ BY: _____

STATE OF COLORADO)

) ss.

COUNTY OF WELD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2010, by

Witness my hand and official seal.

Notary Public

My commission expires:

ATTORNEY'S CERTIFICATE

I, _____, an attorney licensed to practice law in the State of Colorado, certify, that I have examined title to the above described land dedicated to the Town of Frederick, Colorado, and that the parties executing the dedication are owners thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances.

So sworn this _____ day of _____, 2010.

Attorney at Law, # _____

EXHIBIT "A"

(Legal Description)

PROPERTY DESCRIPTION

Exhibit A
(1 of 4)

Two parcels of land, for Weld County Road No. 13 (WCR13) Right-Of-Way (ROW), being parts of the East Half (E1/2) of Section Thirty-six (36), Township Two North (T.2N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), Town of Frederick, County of Weld, State of Colorado, and being more particularly described as follows:

South Parcel

COMMENCING at the East Quarter (E1/4) Corner of said Section 36 and assuming the East line of the Southeast Quarter (SE1/4) of said Section 36 as bearing South 00°01'37" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2657.54 feet with all other bearings contained herein relative thereto:

THENCE South 00°01'37" West along said East line a distance of 1108.92 feet to the Northerly corner of that parcel of land described in that Warranty Deed (WD) recorded April 17, 1980 in Book 900 as Reception No. 1822483 of the records of the Weld County Clerk and Recorder (WCCR), said point being the beginning point of a curve, said curve being non-tangent to aforesaid line;

THENCE along the Westerly line of that parcel of land described in said WD, also being along the arc of a curve which is concave to the Northwest a distance of 229.98 feet, said curve having a radius 1869.86 feet, a central angle of 07°02'50" and a long chord bearing South 09°35'23" West a distance of 229.84 feet to the POINT OF BEGINNING;

THENCE continuing along said Westerly line also being along the arc of a curve which is concave to the Northwest a distance of 124.69 feet, said curve having a radius of 1869.86 feet, a central angle of 03°49'14" and a long chord bearing South 15°01'25" West a distance of 124.66 feet;

THENCE North 50°07'09" West a distance of 26.13 feet;

THENCE North 89°58'22" West a distance of 49.50 feet;

THENCE North 00°01'38" East a distance of 60.00 feet;

THENCE South 89°58'22" East a distance of 49.50 feet;

THENCE North 50°10'24" East a distance of 68.15 feet to the POINT OF BEGINNING.

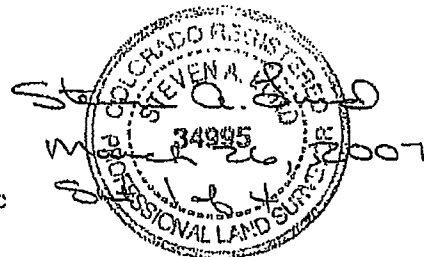
Said parcel contains 6,104 sq. ft., more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

North Parcel

COMMENCING at the East Quarter (E1/4) Corner of said Section 36 and assuming the East line of the Southeast Quarter (SE1/4) of said Section 36 as bearing South 00°01'37" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2657.54 feet with all other bearings contained herein relative thereto:

THENCE North 00°07'20" West along the East line of the Northeast Quarter (NE1/4) of said Section 36 a distance of 78.96 feet;

THENCE South 89°52'40" West a distance of 30.00 feet to a line being Thirty (30) feet, as measured at a right angle, Westerly of and parallel with said East line, said point being the POINT OF BEGINNING;



(2 of 4)

THENCE North 07°15'18" West a distance of 528.04 feet to a Point of Curvature (PC);
THENCE along the arc of a curve which is concave to the East a distance of 318.70 feet, said curve having a radius of 2560.00 feet, a central angle of 07°07'58" and a long chord bearing North 03°41'19" West a distance of 318.49 feet to a Point of Tangency (PT);
THENCE North 00°07'20" West a distance of 326.00 feet;
THENCE North 50°20'09" West a distance of 121.27 feet;
THENCE South 89°27'33" West a distance of 73.13 feet;
THENCE North 00°32'27" West a distance of 60.00 feet;
THENCE North 89°27'33" East a distance of 73.13 feet;
THENCE North 49°15'15" East a distance of 123.36 feet;
THENCE North 00°07'20" West a distance of 87.53 feet to a PC;
THENCE along the arc of a curve which is concave to the East a distance of 353.87 feet, said curve having a radius of 2560.00 feet, a central angle of 07°55'12" and a long chord bearing North 03°50'16" East a distance of 353.58 feet to a PT;
THENCE North 07°47'52" East a distance of 273.51 feet to a PC;
THENCE along the arc of a curve which is concave to the West a distance of 337.28 feet, said curve having a radius of 2440.00 feet, a central angle of 07°55'12" and a long chord bearing North 03°50'16" East a distance of 337.01 feet to said line being 30 feet Westerly of and parallel with the East line of the NE1/4 of said Section 36;
THENCE South 00°07'20" East along said line being 30 feet Westerly of and parallel with the East line of the NE1/4 of said Section 36 a distance of 2433.11 feet to the POINT OF BEGINNING.

Said parcel contains 3.553 acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven A. Lund - on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #134995

KING SURVEYORS, INC.
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 2004295

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Last printed 3/26/2007 10:05 AM

RIGHT-OF-WAY

EXHIBIT A

DACONO INVESTMENT COMPANY
E½ SEC. 36, T.2N., R.68W.

WELD COUNTY ROAD NO. 16

(3 of 4)

NORTHEAST CORNER
SEC. 36, T.2N., R.68W.

3.553 acres

10' PUBLIC SERVICE COMPANY
EASEMENT.(B1495 P193)16' UNION RURAL ELECTRIC ASSOCIATION
EASEMENT.(REG. NO. 01960199)DACONO INVESTMENT CO.
B726 REC. NO. 1648431VERY APPROXIMATE LOCATION OF 50' PANHANDLE EASTERN
PIPE LINE COMPANY EASEMENT. INSUFFICIENT INFORMATION
IN DEED FOR EXACT LOCATION.(B813 REC. NO. 1734652)

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

POINT OF BEGINNING NORTH PARCEL

THERE IS A 15' EASEMENT TO CONTINENTAL PIPE LINE COMPANY IN THE E½ NE¼ & THE NE¼ SE¼ OF SEC. 36, T.2N., R.68W. LOCATION CANNOT BE DETERMINED FROM DEED.(REG. NO. 01968213)

EAST QUARTER CORNER
SEC. 36, T.2N., R.68W.
POINT OF COMMENCEMENT

50' AMOCO PRODUCTION COMPANY EASEMENT
(B738 REC. NO. 1660398 & B743 REC. NO. 1665108)

10' PUBLIC SERVICE COMPANY
EASEMENT.(B1495 P193)

30' RIGHT-OF-WAY
PER ACCEPTED ROAD VIEWER'S REPORT DATED 4-17-1884
RECORDED 4-18-1884 B48 P109
& DEED RECORDED 3-17-1909 B296 P149

50' PANHANDLE EASTERN PIPE LINE COMPANY EASEMENT
(B713 REC. NO. 1634974 & B748 REC. NO. 1669972)

POINT OF BEGINNING SOUTH PARCEL

6,104 sq. ft.

WELD COUNTY
B900 REC. NO. 1822483

VERY APPROXIMATE LOCATION OF 50' PANHANDLE EASTERN
PIPE LINE COMPANY EASEMENT. INSUFFICIENT INFORMATION
IN DEED FOR EXACT LOCATION.(B813 REC. NO. 1734652)

SOUTHEAST CORNER
SEC. 36, T.2N., R.68W.

500 250 0 500
1" = 500'



KING SURVEYORS, INC.

650 Garden Drive | Windsor, Colorado 80550

phone: (970) 686-5011 | fax: (970) 686-5821

www.kingsurveyors.com

PROJECT NO:2004295

DATE: 03/22/2007

CLIENT: FHU

DWG: ROW-46-DACONO-INVESTMENT-N

DRAWN: MCD CHECKED: SAL

RIGHT-OF-WAY

EXHIBIT A

DACONO INVESTMENT COMPANY
E½ SEC. 36, T.2N., R.68W.

(4 of 4)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°01'37"W	1108.92'
L2	N50°07'09"W	26.13'
L3	N89°58'22"W	49.50'
L4	N00°01'38"E	60.00'
L5	S89°58'22"E	49.50'
L6	N50°10'24"E	68.15'
L7	N00°07'20"W	78.96'
L8	S89°52'40"W	30.00'
L9	N07°15'18"W	528.04'
L10	N00°07'20"W	326.00'
L11	N50°20'09"W	121.27'
L12	S89°27'33"W	73.13'
L13	N00°32'27"W	60.00'
L14	N89°27'33"E	73.13'
L15	N49°15'15"E	123.36'
L16	N00°07'20"W	87.53'
L17	N07°47'52"E	273.51'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	229.98'	1869.86'	07°02'50"	229.84'	S09°35'23"W
C2	124.69'	1869.86'	03°49'14"	124.66'	S15°01'25"W
C3	318.70'	2560.00'	07°07'58"	318.49'	N03°41'19"W
C4	353.87'	2560.00'	07°55'12"	353.58'	N03°50'16"E
C5	337.28'	2440.00'	07°55'12"	337.01'	N03°50'16"E



Steven A. Lundberg on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995



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CLIENT: FHU

DWG: ROW-46-DACONO-INVESTMENT-N

DRAWN: MCD CHECKED: SAL

EXHIBIT "B"

(Map)

